

# Government Contracts Blog

Posted at 9:09 AM on February 17, 2010 by Sheppard Mullin

## **ABA Publishes Guide To Mandatory Disclosure Rule**

Following the publication of the FAR's Mandatory Disclosure Rule in late 2008, the Public Contracts Section of the American Bar Association organized a Task Force of leading Government contracts attorneys, DOJ fraud lawyers, federal investigators, and other experts to consider the implications of the new requirements and to draft written guidance to fill the many gaps inherent in the Rule. Sheppard Mullin's [Jonathan Aronie](#) served on the ABA Task Force.

The Guide – published in January, and formally entitled “The Guide To The Mandatory Disclosure Rule: Issues, Guidelines and Best Practices” – is the only publication of its kind, and provides essential guidance concerning, among other things:

- What kinds of misconduct must be reported under the new rule
- What kind of evidence qualifies as “credible evidence”
- How to deal with subcontractors
- How quickly disclosures must be made
- The mechanics of making a disclosure
- What kind of “full cooperation” the Government expects
- How to preserve confidentiality and privileges when making a disclosure
- How to structure company compliance programs and internal controls
- What effect will disclosures have on past performance evaluations

Copies are available to the general public through the [ABA web site](#) for \$55. For our early analysis of the Rule when originally promulgated, click [here](#), [here](#) and [here](#).